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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

KAMEL D. ADEWOLE,	)	
	)	Cause No. CV-22-07-GF-BMM
Plaintiff,	)	
	)	<b>PLAINTIFF’S COMPLAINT</b>
-vs-	)	<b>AND DEMAND FOR JURY</b>
	)	<b>TRIAL</b>
JOSEPH F. MARTINEZ, MENLO	)	
COLLEGE, AND DOES 1-10,	)	
	)	
Defendants.	)	

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Plaintiff, by and through her attorneys, alleges:

1. Plaintiff Kamel D. Adewole is a citizen and resident of Missoula, Missoula County, Montana.
2. Upon information and belief, Defendant Joseph F. Martinez (“Martinez”) is a citizen and resident of Redwood City, San Mateo County, California.

3. Upon information and belief, Defendant Menlo College (“Menlo”) is a business entity organized under the laws of the State of California with its principal place of business in the State of California.

4. At all times relevant hereto, Defendant Martinez was an employee of Defendant Menlo.

5. This Court has jurisdiction of the claims made in this matter under 28 U.S.C. § 1332(a)(1) because the action is between Plaintiff, who is a citizen of the State of Montana, and Defendant Martinez, who is a citizen of the State of California, and Defendant Menlo, which is a citizen of the State of California pursuant to 28 U.S.C. § 1332(c)(1), and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. Venue is proper in the Great Falls Division of the United States District Court for the District of Montana under 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to the claims herein occurred in Cascade County, Montana. Pursuant to Rule 1.2(c)(2) of the Rules of Procedure of the United States District Court for the District of Montana, Cascade County lies within the Great Falls Division of this Court.

7. On February 15, 2019, Plaintiff was lawfully driving her vehicle in a westbound direction on Overlook Drive in Great Falls, Montana. At the same time, Defendant Martinez was driving a vehicle in an eastbound direction on Overlook Drive when he lost control of his vehicle and crossed the center line, colliding into

Plaintiff's vehicle.

8. Defendant Martinez was negligent and negligent as a matter of law.

9. As a result of the collision, Plaintiff was injured and has suffered damages.

10. Plaintiff's injuries and damages were caused by Defendant Martinez' negligence and negligence as a matter of law.

11. At the time of the collision, Defendant Martinez was acting within the course and scope of his employment with Menlo College.

12. Menlo College is vicariously liable for the negligence of its employees in the course and scope of their employment, pursuant to the doctrine of *respondeat superior*.

13. Plaintiff was not a cause of her injuries or damages.

14. Defendants Does 1-10 are other individuals, corporations, partnerships, joint ventures or other entities unknown to Plaintiff and not yet identified at this time, which may be liable for Plaintiff's injuries and damages for the claims enumerated above. In particular, and without limitation, Does 1-10 include Defendant Martinez' employer at the time of the collision, if his employer was a person or entity other than Defendant Menlo.

WHEREFORE, PLAINTIFF PRAYS:

1. For an award of general and special damages sufficient to compensate Plaintiff for past, present and future medical expenses and other expenses,

loss of earnings and earning capacity, physical and emotional pain and suffering, loss of established course of life, loss of enjoyment of life, and all other special and general damages suffered by Plaintiff as a result of the above-described collision;

2. For costs and fees as allowed by law; and,
3. For all other relief the Court deems appropriate.

### **DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all issues of fact raised in this action.

Dated this 26TH day of January, 2022.

/s/ Jeffrey G. Winter  
DUROCHER & WINTER, P.C.